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Attorneys for Defendant and Cross-Defendant Executive Risk Specialty Insurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LENSCRAFTERS, INC., and EYEXAM OF CALIFORNIA, INC.,

No. C07-02853 SBA

[Related Case No. C 04-01001 SBA]

**STIPULATION AS TO DATE OF
SERVICE OF MARKEL AMERICAN
INSURANCE COMPANY'S CROSS-
COMPLAINT ON CROSS-
DEFENDANT EXECUTIVE RISK
SPECIALTY INSURANCE COMPANY**

Plaintiffs,

V.

LIBERTY MUTUAL FIRE INSURANCE COMPANY; EXECUTIVE RISK SPECIALTY INSURANCE COMPANY; UNITED STATES FIRE INSURANCE COMPANY; MARKEL AMERICAN INSURANCE COMPANY and WESTCHESTER FIRE INSURANCE COMPANY.

Defendants.

AND RELATED CROSS-ACTIONS

WHEREAS, on July 27, 2007, Markel American Insurance Company (“Markel”) electronically filed a cross-complaint against, among others, cross-defendant Executive Risk Specialty Insurance Company (“ERSIC”);

WHEREAS, ERSIC had not appeared in this action as of the date the cross-complaint was filed and so was not served electronically with Markel's cross-complaint, and has not been formally served with the cross-complaint in any other manner;

WHEREAS, ERSIC has agreed to accept service of Markel's cross-complaint effective as of August 15, 2007;

WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(2), ERSIC's response to Markel's cross-complaint is due September 4, 2007;

NOW THEREFORE, the Parties hereby STIPULATE that service of Markel's cross-complaint is effective as of August 15, 2007, and ERSIC has to and including September 4, 2007 to answer or otherwise respond to Markel's cross-complaint.

Date: August 17, 2007

Respectfully submitted,

ROSS, DIXON & BELL, LLP

/s/ Terrence R. McInnis

Terrence R. McInnis

and

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Cross-Defendant Markel American
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